



Kevin Corbett | Chief Executive Officer

J. Kevin Stitt | Governor

I/T/U Public Notice 2021-13

August 24, 2021, 2021

RE: Oklahoma Health Care Authority Proposed Rule, State Plan and Waiver Amendments

Dear Tribal Representative:

The purpose of this letter is to notify you of proposed changes that will be reviewed at the tribal consultation meeting on September 7th, 2021 at 11 a.m. OHCA invites you to attend this meeting via webinar, and we welcome any comments regarding the proposed changes. The agency is committed to active communication with tribal governments during the decision-making and priority-setting process to keep you apprised of all proposed changes.

Enclosed are summaries of the current proposed rules, state plan and waiver amendments for your review. The summaries describe the purpose of each change.

Please note that these are only proposed changes and have not yet taken effect. Before implementation, proposed changes must obtain budget authorization and approval by the OHCA board, and when applicable, federal and governor approval must be obtained.

Additionally, OHCA posts all proposed changes on the agency's [Policy Change Blog](#) and the [Native American Consultation Page](#). These public website pages are designed to give all constituents and stakeholders an opportunity to review and make comments regarding upcoming policy changes. To ensure that you stay informed of proposed policy changes, you may sign up for web alerts to be automatically notified when any new proposed policy changes are posted for comment.

OHCA values consultation with tribal governments and will provide your representatives a reasonable amount of time to respond to this notification. If you have any questions or comments about the proposed policy changes, please use the online comment system found on the [Policy Change Blog](#) and/or the [Native American Consultation Page](#).

Sincerely,

Dana Miller
Director, Tribal Government Relations



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Proposed Rule, State Plan, and Waiver Amendments

COFA Migrant Policy Changes — Full Medicaid benefits were restored to Compact of Free Association (COFA) migrants residing in the United States, without a five-year waiting period, provided all other eligibility factors are met, and provided COFA migrants maintain the status of qualified non-citizens, per Section 208 of the Consolidated Appropriations Act of 2020, with an effective date of December 27, 2020. Policy will be updated to reflect the changes.

Emergency Rule Change:

60-day Tribal Consultation Period: Aug. 24 – Oct. 23

Public Comment Period: Aug. 18- Sept. 2

Medical Advisory Committee Meeting: Sept. 9

Board: Nov.17

Title XXI Dental Revisions for Pregnant Women — The proposed revisions will amend policy to provide certain dental benefits to pregnant women covered under the Title XXI State Plan. The revisions are needed to comply with Parity federal regulations which instruct the State to provide services that are medically necessary to the unborn child.

Emergency Rule Change:

60-day Tribal Consultation Period: Aug. 24 – Oct. 23

Public Comment Period: Sept. 8 – Sept. 23

Medical Advisory Committee Meeting: Nov. 4

Board: Nov. 17

Reimbursement Methodology for Providers of CCBH Services - The Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) seeks to update and clarify language regarding the reimbursement methodology for the Prospective Payment System (PPS) rates for Certified Community Behavioral Health (CCBH) services. Changes will update and clarify the method, timing, and frequency for the establishment of initial and subsequent provider-specific PPS rates. Language also clarifies that interim rates for new providers of CCBH services are based



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on both rural and urban existing rates and clarifies the reimbursement of crisis intervention services when furnished by a provider of CCBH services.

Proposed SPA Timeline:

60-day Tribal Consultation Period: Aug. 24 – Oct. 23

30-day Public Comment Period*: Sept. 7 – Oct. 7

Requested Effective Date: Oct. 1

***Subject to change**

Intensive Residential Substance Use Disorder Treatment for Adolescents - The Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) proposes a new rate for intensive residential substance use disorder treatment for adolescents. The new proposed rate is \$160.00 per day, which is equivalent to the current rate established for this service for adults.

Proposed SPA Timeline:

60-day Tribal Consultation Period: Aug. 24 – Oct. 23

30-day Public Comment Period*: Sept. 7 – Oct. 7

Requested Effective Date: Oct. 1

***Subject to change**

Disaster Relief HCBS Appendix K Amendment for DDS Waivers – Oklahoma Human Services (OHS) Developmental Disabilities Services (DDS) has requested temporary changes to the waivers to increase the annual dental service allowance for adult members, remove the annual cap for public transportation services, and add vision exams and glasses to correct vision for adult members. These services are available to waiver recipients on the Medicaid In-Home Supports Waiver for Adults, In-Home Supports Waiver for Children, Homeward Bound Waiver, and Community Based Waiver.

The changes are necessary to ensure waiver members have access to adequate resources for dental and oral health; corrective vision; safe and individualized access to the community; opportunities to independently participate in community activities; and allow OHS/DDS to better empower and support Oklahomans with developmental disabilities. Additionally, retroactive add-on payment will apply to all services in which face to face contact is essential



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for beneficiary health and safety for the time-period beginning January 1, 2021, and ending March 31, 2021, and will not exceed 20% of the provider's current rate. The proposed rate increase seeks to temporarily provide additional compensation to providers who have experienced issues causing non-budgeted overtime costs, increased costs for personal protective equipment and a tightening labor market due to the national PHE.

Disaster Relief HCBS Appendix K Amendment for ADvantage Waiver – Oklahoma Human Services (OHS) has requested the following temporary changes to the ADvantage waiver to provide needed services outside of those already approved in the waiver to increase health and safety measures for members. OHS is requesting to temporarily modify provider qualifications for ADvantage providers who maintain an active contract in good standing with the State Medicaid Agency and to temporarily add the following services:

- **Assistive Technology**, adding video communication technology that allows members to communicate with their case management and home-care providers via video communication.
- **Nutrition Services**, that may include dietary evaluation and consultation. Services are intended to maximize the member's nutritional health.
- **Family Home Care Training**, in-home training for family in skills and knowledge to provide necessary assistance to a member.
- **Audiology Services**, including individual evaluation, treatment, and consultation in hearing; intended to maximize the member's auditory receptive abilities.
- **Optometry Services**, including eye examination for vision correction, eye examination for refraction error, and eyeglasses for vision correction.

The changes are necessary to ensure “eyes-on” monitoring of waiver members by case managers and to provide supportive services for members who may have nutritional and care support needs during the time of the public health emergency. Additionally, retroactive add-on payment will apply to all services in which face to face contact is essential for beneficiary health and safety for the time-period beginning January 1, 2021, and ending March 31, 2021, and will not exceed 20% of the provider's current rate. The proposed rate increase seeks to temporarily provide additional compensation to providers who have experienced issues causing non-budgeted overtime costs, increased costs for personal protective equipment and a tightening labor market due to the national PHE.



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